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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,450	01/28/2002	Ewa Barbara Hekstra-Nowacka	NL 010084	4273
24737	7590	10/26/2005	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 10/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,450

Applicant(s)

HEKSTRA-NOWACKA, EWA
BARBARA

Examiner

Min Jung

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 6-11 and 14-18 is/are rejected.
7) ☒ Claim(s) 4, 5, 12 and 13 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 14, it is not clear how “unsolicited data transmission grant” ties in with the “data transmission request”. Apparently, from the way the claim language is written, the grant has been solicited by the data transmission request. Unsolicited data transmission grant would only make sense if it follows a termination of the data transmission request stage.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
5. Claims 1-3, and 7-11 are rejected under 35 U.S.C. 102(a) as being anticipated by applicant's admitted prior art describe in the background of the invention (Admitted Prior Art).

Regarding claims 1 and 9, Admitted Prior Art shows a transmission system comprising a primary station (HE) being coupled via a transmission medium at a plurality of secondary stations (S). See Fig. 1. It is taught that the secondary station makes a transmission request (transmission request shown by the line 52 in Fig. 3), primary station transmits data transmission refusal (refusal being the feedback information 54 indicating a failure, because failure indication signals refusal of the data transmission for the time being) followed by a data transmission grant (grant being the reservation grant shown by line 62) to the secondary station. It is inherent that the primary station monitors the data transmitted by the secondary station. See Fig. 3, and page 2, line 30 – page 3, line 25.

Regarding claims 2, 3, 10, and 11, the Admitted Prior Art is in the environment of CATV system with the primary station comprising a cable modem termination system and secondary station comprising a cable modem, with the cable modem being DVB compliant. See page 1, lines 21-26.

Regarding claims 7 and 8, the Admitted Prior Art teaches that the transmission system utilizing satellite communication system (Page 1, lines 15-20), in which case it would be inherent to design a ground station to be the primary station and the satellite receiver to be the secondary station.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2663

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art in view of Lyles et al., US 6,563,829 (Lyles).

Applicant's Admitted Prior Art fails to specifically teach that the CATV system and the cable modem termination system and the cable modem are IEEE 802.14 compliant. Lyles shows a CATV system as one embodiment of his invention providing bandwidth allocation using a request-grant scheme operated in accordance with the IEEE 802.14 standards. Col. 9, lines 65 - col. 10, line 25. Since Lyles's teaching is in the same field of endeavor as the Admitted Prior Art, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the CATV system disclosed in the Admitted Prior Art by utilizing the IEEE 802.14 standards compliant devices as explicitly shown by Lyles.

Allowable Subject Matter

8. Claims 4, 5, 12, and 13, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 14-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

10. The following is a statement of reasons for the indication of allowable subject matter: Prior art fail to teach or fairly suggest the transmission system and method as recited in the present claims including the step of transmitting data transmission refusal, wherein the data transmission refusal comprises a reservation grant message with a remaining slot count and a grant slot count, wherein the remaining slot count is equal to zero and wherein the grant slot count is equal to zero.

Response to Arguments

11. Applicant's arguments filed August 30, 2005 have been fully considered but they are not persuasive.

Applicant argues that the applicant's admitted prior art fails to disclose or suggest any of the data transmission request means, transmission means, or monitoring means as is claimed in the present invention. Examiner disagrees. It is very clear from Figs. 1 and 3 combined with the teaching at page 3 that the limitations of the data transmission request means, the transmission means, and monitoring means and their associated functions as recited in the claims are met by the prior art teaching. The secondary station comprising data transmission request means (CM shown in Fig. 3) transmits a data transmission request (52) to the primary station (HE) when transmission data are available in the secondary station. See page 3, lines 3-7. The primary station comprises transmission means (HE) for transmitting, upon receipt of the data transmission request (52), a data transmission refusal (feedback information containing failure indication, 54) followed by a data transmission grant (reservation grant, 62) to the secondary station.

See page 3, lines 10-21. The primary station comprising monitoring means for monitoring the transmission of data by the secondary station in response to the data transmission grant (Any communication device having a reception capability, such as HE of the prior art teaching, inherently has monitoring function since data must be monitored to be received properly, and received data must be monitored to be handled properly). Since the primary station, HE, receives the four units of data indicated by the line 64 in response to the data transmission grant (reservation grant), it is apparent that the primary station monitors and receives the transmission of data by the secondary station.

Applicant focuses his/her argument based on the teachings in the specification. However, the invention as defined in the claims fails to encompass the subject matter applicant presents his/her argument on.

Therefore, applicant's argument is not persuasive, and the rejection of the claims is repeated.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2663

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

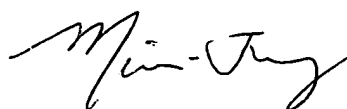
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127.

The examiner can normally be reached on Monday, Thursday, Friday 7:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
October 25, 2005


Min Jung
Primary Examiner